

REMARKS

Claims 1-6, 8-19, 21-37 and 39-44 remain pending in the application.

The Applicants respectfully request the Examiner to reconsider earlier rejections in light of the following remarks. No new issues are raised nor is further search required as a result of the changes made herein. Entry of the Amendment is respectfully requested.

Objection to Claims 21 and 39

Claims 21 and 39 were objected to as allegedly being dependent on canceled claims 20 and 38 respectively.

Claims 21 and 39 are amended herein to make claims 21 and 39 dependent on claims 18 and 36 respectively. The Applicants respectfully request the objection of claims 21 and 39 be withdrawn.

35 USC 112 Second Paragraph Rejection of Claims 6, 11 and 19

The Office Action rejected claims 6, 11 and 19 as allegedly being indefinite under 35 USC 112.

Claims 6, 11 and 19 have been reviewed and are amended where appropriate. It is respectfully submitted that claims 6, 11 and 19 are now in full conformance with 35 USC 112. It is respectfully requested that the rejection be withdrawn.

Claims 1-5, 11-15, 18, 24-32, 36 and 41-44 over Merriam in view of Knuth

In the Office Action, claims 1-5, 11-15, 18, 24-32, 36 and 41-44 were rejected under 35 U.S.C. §103(a) as allegedly being obvious over U.S. Patent No. 6,408,187 to Merriam ("Merriam") in view of U.S. Patent No. 5,406,618 to Knuth ("Knuth"). The Applicants respectfully traverse the rejection.

Claims 1-5, 11-15, 18, 24-32, 36 and 41-44 recite a method and apparatus notifying a user of a message upon sensing a portable wireless device has been moved.

Merriam appears to disclose a portable communication device that determines the proximity of a user to the portable communication device (col. 2, lines 4-7). In the likelihood that a user is within relatively close proximity to the portable communication device, a vibration or visual alert is activated instead of a audio alert (Merriam, col. 1, lines 59-65).

The Office Action acknowledges that Merriam fails to disclose a controller responsive to receipt of a signal for activating a user notification unit to notify a user that a message arrived while the user was presumed not in a vicinity of a portable wireless device (Office Action, page 4).

The Office Action relies on Knuth to allegedly make up for the deficiencies in Merriam to arrive at the claimed invention. The Applicants respectfully disagree.

Knuth appears to disclose a proximity sensor that determines the presence of a user in a vicinity of a telephone answering device (col. 5, lines 1-3). In response to the user being within the vicinity of the telephone answering device, a notice is given to the user that messages await (Knuth, col. 33-38).

Knuth's notification of messages awaiting recovery in a telephone answering device is in response to a proximity sensor that determines the presence of a user in a vicinity of the telephone answering device, the telephone answering device being a stationary wired device. Thus, Knuth producing a notification of a message awaiting recovery is in response to proximity sensor detecting motion within an environment of a stationary telephone answering device is NOT a method and apparatus notifying a user of a message upon

sensing a portable wireless device has been moved, as recited by claims 1-5, 11-15, 18, 24-32, 36 and 41-44.

Moreover, even if the theoretical combination of Merriam and Knuth were obvious (which it is not), the result would be a mobile telephone modified to producing a notification of a message awaiting recovery in response to proximity sensor detecting motion within an environment of the mobile telephone when it remains stationary. Neither Merriam nor Knuth disclose, teach or suggest a method and apparatus notifying a user of a message upon sensing a portable wireless device has been moved, as recited by claims 1-5, 11-15, 18, 24-32, 36 and 41-44.

For these and other reasons, claims 1-5, 11-15, 18, 24-32, 36 and 41-44 are patentable over the prior art of record. It is therefore respectfully requested that the rejection be withdrawn.

Claims 6, 8-10, 19, 21-23, 37, 39 and 40 over Merriam in view of Knuth and Dorenbosch

In the Office Action, claims 6, 8-10, 19, 21-23, 37, 39 and 40 were rejected under 35 U.S.C. §103(a) as allegedly being obvious over Merriam in view of Knuth, and further in view of U.S. Patent No. 6,505,049 to Dorenbosch (“Dorenbosch”). The Applicants respectfully traverse the rejection.

Claims 6, 8-10, 19, 21-23, 37, 39 and 40 are dependent on claims 1, 18 and 36 respectively, and are allowable for at least the same reasons as claims 1, 18 and 36.

Claims 6, 8-10, 19, 21-23, 37, 39 and 40 recite a method and apparatus notifying a user of a message upon sensing a portable wireless device has been moved.

As discussed above, neither Merriam nor Knuth, either alone or in combination, disclose, teach or suggest a method and apparatus notifying a user of a message upon sensing a portable wireless device has been moved, as recited by claims 6, 8-10, 19, 21-23, 37, 39 and 40.

The Office Action relies on Dorenbosch to allegedly make up for the deficiencies in Merriam in view of Knuth to arrive at the claimed invention. The Applicants respectfully disagree.

Dorenbosch appears to disclose a communication network that stores location information for the communication network (Abstract). A portable device determines whether the portable device is in motion (Dorenbosch, Abstract). The portable device, lacking on-board location-determination capability, determines its location from a network (Dorenbosch, col. 4, lines 48-65). A location based application, conventionally requiring a user to input a location, uses the location from the network (col. 1, lines 23-34). The determination of motion is used to suppress attempts to obtain location information from the network (Dorenbosch, col. 4, lines 48-65).

Dorenbosch discloses a location based application that uses location information obtained from a network. Motion of a portable device is used to stop attempts to obtain location information from the network. Thus, Dorenbosch's detection of motion for a portable device suppresses actions within the portable device, contrary to Applicant's method and apparatus that take action in response to detecting that a portable wireless device has been moved, i.e., a method and apparatus notifying a user of a message upon sensing a portable wireless device has been moved, as recited by claims 6, 8-10, 19, 21-23, 37, 39 and 40.

Moreover, even if the theoretical combination of Merriam, Knuth and Dorenbosch were obvious (which it is not), the result would be a mobile telephone modified to producing a notification of a message awaiting recovery in response to proximity sensor detecting motion within an environment of the mobile telephone when it remains stationary. The notification of a message awaiting recovery by the mobile telephone would be suppressed until the mobile telephone is not in motion. Neither Merriam, Knuth nor Dorenbosch, either alone or in combination, disclose, teach or suggest a method and apparatus notifying a user of a message upon sensing a portable wireless device has been moved, as recited by claims 6, 8-10, 19, 21-23, 37, 39 and 40.

Accordingly, for at least all the above reasons, claims 6, 8-10, 19, 21-23, 37, 39 and 40 are patentable over the prior art of record. It is therefore respectfully requested that the rejection be withdrawn.

Claims 16 and 33 over Merriam in view of Knuth and Himmel

Claims 16 and 33 were rejected under 35 U.S.C. §103(a) as allegedly being obvious over Merriam in view of Knuth, and further in view of U.S. Patent No. 6,622,015 to Himmel et al. (“Himmel”). The Applicants respectfully traverse the rejection.

Claims 16 and 33 are dependent on claims 1 and 18 respectively, and are allowable for at least the same reasons as claims 1 and 18.

Claims 16 and 33 recite an apparatus notifying a user of a message upon sensing a portable wireless device has been moved.

As discussed above, neither Merriam nor Knuth, either alone or in combination, disclose, teach or suggest an apparatus notifying a user of a message upon sensing a portable wireless device has been moved, as recited by claims 16 and 33.

The Office Action relies on Himmel to allegedly make up for the deficiencies in Merriam in view of Knuth to arrive at the claimed invention. The Applicants respectfully disagree.

Himmel appears to disclose a method and apparatus for using electronic documents within a smart phone (Abstract). A merchant, legal organization, or other entity provides an electronic document to a subscriber as proof of registration for a service or of legal entitlement (Himmel, Abstract). An appointment or calendar event can be sent as an e-document (Himmel, col. 8, lines 7-30).

The Office Action relies on Himmel to disclose an appointment reminder being sent to a smart phone. However, Himmel fails to disclose that the appointment reminder is given notice to a user upon sensing a portable wireless device has been moved, as recited by claims 16 and 33.

Neither Merriam, Knuth nor Himmel, either alone or in combination, disclose, teach or suggest a method and apparatus notifying a user of a

message upon sensing a portable wireless device has been moved, as recited by claims 16 and 33.

Accordingly, for at least all the above reasons, claims 16 and 33 are patentable over the prior art of record. It is therefore respectfully requested that the rejection be withdrawn.

Claims 17, 34 and 35 over Merriam in view of Knuth and Narayanaswami

Claims 17, 34 and 35 were rejected under 35 U.S.C. §103(a) as allegedly being obvious over Merriam in view of Knuth, and further in view of U.S. Patent No. 6,477,177 to Narayanaswami et al. ("Narayanaswami"). The Applicants respectfully traverse the rejection.

Claims 17, 34 and 35 are dependent on claims 1 and 18 respectively, and are allowable for at least the same reasons as claims 1 and 18.

Claims 17, 34 and 35 recite an apparatus notifying a user of a message upon sensing a portable wireless device has been moved.

As discussed above, neither Merriam nor Knuth, either alone or in combination, disclose, teach or suggest an apparatus notifying a user of a message upon sensing a portable wireless device has been moved, as recited by claims 17, 34 and 35.

The Office Action relies on Narayanaswami to allegedly make up for the deficiencies in Merriam in view of Knuth to arrive at the claimed invention. The Applicants respectfully disagree.

Narayanaswami appears to disclose a wearable mobile computing device/appliance (a wrist watch) with a high resolution display that is capable of wirelessly accessing information from a network and a variety of other devices (Narayanaswami, Abstract). A Cirrus Logic CL-EPP7211, a single-chip embedded controller, functions as a CPU for ultra-low-power applications (Narayanaswami, col. 3, lines 51-67). A motion sensor is used for power management, display control, etc. (Narayanaswami, col. 6, lines 1-23).

Although Narayanaswami discloses a motion sensor, the motion sensor is used to control power management and display control NOT notifying a

user of a message upon sensing a portable wireless device has been moved, as recited by claims 17, 34 and 35.

Accordingly, for at least all the above reasons, claims 17, 34 and 35 are patentable over the prior art of record. It is therefore respectfully requested that the rejection be withdrawn.

Conclusion

All objections and rejections having been addressed, it is respectfully submitted that the subject application is in condition for allowance and a Notice to that effect is earnestly solicited.

Respectfully submitted,



William H. Bollman
Reg. No. 36,457

MANELLI DENISON & SELTER PLLC
2000 M Street, NW 7th Floor
Washington, DC 20036-3307
TEL. (202) 261-1020
FAX. (202) 887-0336

WHB/df